

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

JEFF MEDLEY)	
)	
v.)	4:07-cv-20 \ 4:01-cr-41
)	<i>Edgar</i>
UNITED STATES OF AMERICA)	

MEMORANDUM

The Court has received a second or successive motion to vacate, set aside, or correct sentence filed under 28 U.S.C. § 2255 and supplement from Jeff Medley (“Medley”) [Crim. Court File Nos. 53 & 55].¹ Medley challenges his 2002 convictions which are based on his guilty pleas to the following: conspiracy to manufacture and distribute more than 50 grams of methamphetamine in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B); possession of equipment, chemicals and products used in the manufacture of methamphetamine in violation of 21 U.S.C. § 843 (a)(6); and attempt to manufacture methamphetamine in violation of 21 U.S.C. § 846 & 841(b)(1)(C).

Medley filed his original § 2255 motion on or about April 14, 2005. *See United States v. Medley*, Civil Action No. 4:05-cv-28 (E.D. Tenn. 2005) [Crim. Court File No. 51]. The Court determined the motion was devoid of any merit and denied the motion on or about May 18, 2005 [Crim. Court File No. 52].

In accordance with the "Antiterrorism and Effective Death Penalty Act of 1996," effective April 24, 1996, the petitioner cannot file a second or successive § 2255 motion in the district court

¹ Citations to docket entries will refer to the criminal court case file. All filings in this § 2255 proceeding shall be filed in the criminal court case file (4:01-cr-41).

until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the district court to consider the motion. This Court has not received an order from the Sixth Circuit authorizing the Court to consider the pending motion.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997).

Also before the Court is Medley's motion for an *ex parte* hearing which will be **DENIED** [Court File No. 56].

A separate order will enter.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE